

**Appl. No.: 09/765,841**  
**Amdt. Dated March 2, 2004**  
**Reply to Office action of December 2, 2003**

### **REMARKS/ARGUMENTS**

Applicant has received the Office Action dated December 2, 2003, in which: claims 1, 3, 6, and 9 were rejected as allegedly anticipated under 35 U.S.C. § 102(b) by US Patent No. 4,398,805, (hereinafter "the '805 patent"); and claims 2, 4-5, 7-8, 10-15, and 17-18 were rejected as allegedly obvious under 35 U.S.C. § 103(a) over the '805 patent.

In this response, Applicant has cancelled claims 2 and 7 and amended claims 1, 6, 13, and 18. Based on the amendments above and the arguments that follow, all pending claims are in condition for allowance. Accordingly, Applicant respectfully requests allowance of all pending claims.

#### **I. CLAIMS 1 AND 3-5**

Applicant has amended claim 1 to clarify that the transparent element includes label data and that the label data is visible both with and without applying power to the label. The amendment to claim 1 finds support in the Specification on at least page 5, lines 5-13 and in Figure 3. Applicant makes this amendment to clarify over the '805 patent which fails to teach, suggest or imply that label data is visible both with and without power applied to the label.

The '805 patent generally discloses a liquid crystal display (LCD) that operates in two modes. One mode uses a backlight 60 (shown in Figure 1b) and the other mode uses ambient light (shown in Figure 1a). In either case, the LCD contains a layer of liquid crystal material 20 that requires power from voltage source 22 to be in the "active" state. Col. 2, ll. 34-41; Col. 4, ll. 21-22. In this manner, when the cell is in the "unactivated" state, e.g., by not receiving power, the display appears dark to an observer. Col. 3, ll. 36-37; Col. 4, ll. 38-42. Thus, the LCD disclosed in the '805 patent is incapable of conveying visible data without applying power to the liquid crystal. For at least these reasons, the '805 patent does not anticipate or render obvious claim 1.

Claims 3-5 are allowable because they depend from claim 1 and contain additional patentable limitations.

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## **II. CLAIMS 6 AND 8-12**

Amended claim 6 recites a label including light transmissive element. The light transmissive element comprises data printed thereon where the printed data is visible both with and without applying power to the label. Claim 6 finds support in the Specification on at least page 5, lines 5-13 and in Figure 3.

Applicant asserts that the '805 patent fails to teach, suggest or even imply a label comprising printed label data is visible both with and without power applied to the label. Rather, the '805 patent is directed to a liquid crystal material 20 that requires power to be visible to the user. Col. 3, ll. 36-37; Col. 4, ll. 38-42. Thus, the '805 patent does not anticipate or render obvious claim 6.

Claims 8-12 are allowable because they depend from claim 6 and contain additional patentable limitations.

## **III. CLAIMS 13-15 AND 17**

Amended claim 13 discloses an assembly comprising a label that further comprises a transparent element. The transparent element includes label data that are visible both with and without applying power to the label. Claim 13 finds support in the Specification on at least page 5, lines 5-13 and in Figure 3.

Applicant asserts that the '805 patent fails to teach, suggest or even imply a label comprising label data is visible both with and without power applied to the label. Rather, the '805 patent is directed to a liquid crystal material 20 that requires power to be visible to the user. Col. 3, ll. 36-37; Col. 4, ll. 38-42. Thus, the '805 patent does not anticipate or render obvious claim 13.

Claims 14-15 and 17 are allowable because they depend from claim 13 and contain additional patentable limitations.

## **IV. CLAIM 18**

Amended claim 18 recites a method of passing and reflecting light through a label, where the label includes a transparent element. The transparent element further includes label data that is visible both with and without applying power to the label. Claim 18 finds support in the Specification on at least page 5, lines 5-13 and in Figure 3.

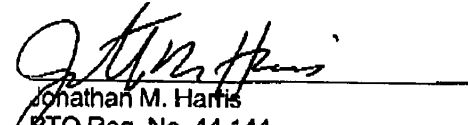
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Applicant asserts that the '805 patent fails to teach, suggest or even imply a method of passing light through a transparent element that includes label data, where the label data is visible both with and without power applied to the label. Rather, the '805 patent is directed to a liquid crystal material 20 that requires power to be visible to the user. Col. 3, ll. 36-37; Col. 4, ll. 38-42. Therefore, for at least these reasons, the '805 patent does not anticipate or render obvious claim 18.

In the course of the foregoing discussions, Applicant may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the prior art which have yet to be raised, but which may be raised in the future.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If any fees or time extensions are inadvertently omitted or if any fees have been overpaid, please appropriately charge or credit those fees to Hewlett-Packard Company Deposit Account Number 08-2025 and enter any time extension(s) necessary to prevent this case from being abandoned.

Respectfully submitted,

  
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